

Texas Constitutional Militia

Bexar County, Unit 1

By-Laws

1. Legal Foundation

Pursuant to the Constitution of the United States, Article I, Section 8, and the First, Second and Ninth Amendments thereto, and to the intent of the Framers thereof, and to the Constitution of the State of Texas, this unit of the Texas Militia is established, to be governed in accordance with constitutional laws and these By-Laws.

2. Geographic Area

The geographic area designated for this Unit shall consist of that contiguous area defined by agreement of the members with one another and with those of other Militia Units in the same county. If this is the only Unit in the county, the geographic area shall consist of the entire county. If more than one Unit is formed in the county, the boundaries of the area for each Unit shall ordinarily coincide with established political or geographic subdivisions, such as city limits, precincts, or neighborhoods.

Except by the authority of the President or request of the Militia of another State, the Unit shall not conduct operations other than organizing and training outside the boundaries of the State of Texas, and except by the authority of the Governor or request of the Militia of another County, the Unit shall not conduct operations other than organizing and training outside of the boundaries of the County or immediately neighboring counties.

3. Membership

The members of this Militia unit shall consist of the following two classes, which together shall be referred to as the ready militia:

(1) Persons who are subject to militia duty under Texas Government Code Section 431.081, as it may be amended, and not exempt under Texas or U.S. law, and who are residents of the County and geographic area designated for this Unit number, which members shall be referred to as the obligatory militia.

(2) Persons not subject to militia duty under (1) above who are residents of the State of Texas who volunteer to serve in this unit except as provided in Section 8 below, which members shall be referred to as the voluntary militia.

4. Officers

The Unit Commander shall initially be chosen by 3/4 vote of the members present at any call-up of the Unit, and shall serve until the next meeting or call-up of the Unit, when he or she shall be subject to re-election as the first order of business.

Other officers to be elected include a Deputy Commander, a Treasurer, and a Secretary, each of whom shall assume in that order the duties of the Unit Commander if he or she shall be unable to perform them. Additional officers shall be appointed by the Unit Commander.

The members present may also elect representatives to any regional correspondence committees, who shall coordinate activities of the various Militia units in the region.

5. Authority for Call-up

The following persons may issue a call-up of the Unit, in descending order of authority:

- (1) The President of the United States.
- (2) The Governor of the State of Texas.
- (3) An officer designated by the Governor of the State of Texas for this Unit.
- (4) The Chief Executive, Chief Law Enforcement Officer, or Chief Judge of the area designated for this Unit.
- (5) The Unit Commander.
- (6) An established Safety Committee for the area of the Unit.
- (7) Any person offering a credible justification for the call-up.

Any such authority shall have command authority over the Unit only if it calls up the Unit. Thus, if called up by a local sheriff, the sheriff would have the default command authority and not the Governor or the President, if they did not issue the call-up.

6. Notices and Regular Meetings

Notices of special meetings should normally be by public notice in a newspaper of record or by posting notices on public notice bulletin boards, at least ten days prior to the meeting, except in case of emergency, in which case notice shall be by the established rapid-alert system. Persons who contribute to the costs shall also be notified by mail or phone if time permits.

In addition to call-ups, the Unit shall meet at such dates, time, and places as its members present at any meeting or call-up shall determine by majority vote. This shall ordinarily be at some regular place on some regular day of the week or month.

All meetings shall be conducted in accordance with *Robert's Rules of Order, Revised*.

7. Purpose of Assemblies

The Unit shall assemble only for one or more of the following purposes:

- (1) To organize and train.
- (2) To repel a foreign invasion.
- (3) To suppress an insurrection.
- (4) To execute constitutional laws.
- (5) To perform righteous services to the community, state, and nation, including disaster relief and defense of persons from crime or official abuse.

Such purposes do not include service outside the jurisdiction of the United States, which is the exclusive province of the armed forces.

8. Exclusion from Participation

Persons who otherwise qualify for membership may be excluded from participation in activities of the Unit by the Commander or by a 3/4 vote of the members present on one or more of the following grounds, and none other:

- (1) A history of criminal, violent, disruptive, or impulsive behavior.
- (2) A history of mental disorder or incapacity.
- (3) Inability to play a constructive role in the activity, such that participation would result in reduced effectiveness of the Unit in that activity. This may include not having suitable equipment for the activity, such as arms.
- (4) Refusal to take or comply with the oath below.
- (5) Refusal to obey a lawful order of a superior.

No person shall be excluded on the basis of ethnicity, religion, national origin, political opinions, gender, or age. However, minors shall require the written consent or presence of a parent or guardian.

9. Oath Required of Participants

Participants in any activity shall be required to take the following oath:

"I swear/affirm that I will preserve, protect, and defend the Earth, the Nation and its Constitution, the State and its Constitution, and the Community, against all enemies, foreign or

domestic; and that I will make an independent determination of the constitutionality and applicability of all laws and official acts with which I may become involved, without being unduly influenced by any officer or superior, and that I will obey or assist in the enforcement of those which are constitutional and applicable, and resist those that are not, regardless of personal consequences."

10. Finances

Dues shall not be required as a condition for membership or attendance at meetings or call-ups, but may be required, upon a 2/3 vote of members present, for individual notices or for participation in activities that involve costs. Contributions of funds and other things of value may be accepted provided that no such acceptance shall create any obligation on the part of the Unit or its members or participants. No member shall accept any compensation for participation in any activity of the Unit, but may accept reimbursement for expenses incurred or recompense for losses sustained. The Unit shall not accept funding from any organ of government or public authority except in connection with a general call-up by an authority having power to compel attendance. No property shall be used by the Unit without written consent of the lawful owner or his agent. At no time will the Unit go into debt or impose any debt on its members.

11. Regulations

The Unit shall, by a vote of the majority of members present and with the consent of the Unit Commander, adopt such regulations as it deems appropriate to govern its operations.

12. Militia Discipline

Upon assembly, all participants shall be under Militia Discipline, which shall be applied in accordance with applicable provisions of the Uniform Code of Military Justice.

13. Enforcement

The Unit Commander shall be responsible for enforcing these By-Laws and the Regulations adopted by the Unit.

14. Adoption and Amendment

These By-Laws shall be adopted or amended by a 3/4 vote of the members present at any call-up or meeting in which such adoption or amendment shall be announced in the notice thereof at least 10 days prior to the meeting.

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Regulations

1. Rapid-alert System

The Unit shall establish and regularly test a rapid-alert system for getting the members to respond to emergency situations. This system shall consist of the following elements:

- (1) An emergency deployment plan. This consists of places and persons to report to and things to do in the event of some emergency situation, such as a natural disaster, which members could be expected to be made aware of by its effects and by the regular media.
- (2) A telephone tree. Each member would have a list of others to call, such that a few calls could activate almost everyone reachable by phone.
- (3) A radio network. This would make use of various amateur and CB radios, perhaps using encrypted packet methods, to notify members in the event that the phone system is unavailable or insecure.
- (4) Broadcast media. Co-operation from radio and TV stations to broadcast notices should be achieved and maintained.
- (5) Neighborhood alerts. Members should be designated to ride through neighborhoods alerting people in the area, perhaps using a mobile PA system.

2. Arms and Ammunition

Each participant in an armed activity shall furnish one modern rifle or shotgun of a caliber suitable for combat applications, and at least 50 rounds of ammunition for it. During all assemblies such arms shall be kept unloaded at all times except by command of the Unit Commander or if members of the Unit fall under imminent peril.

3. Ammunition standards

Members are encouraged to standardize on 5.56 and 7.62 ammunition for rifles, 12 gauge for shotguns, and .357 magnum, 9mm, or .45ACP for handguns.

4. Appearance and Grooming

Each member who participates in any activity of the Unit in a public place shall present a neat, well-groomed appearance.

5. Uniforms and Insignia

No uniforms shall be required of members or participants. However, on public occasions participants may be required to wear jackets or armbands with the words "Texas Militia" or

"Bexar County Militia". The Commander may designate such insignia as he may see fit, to be worn by those he shall designate.

6. Roll-call

At any muster of the Unit, participants shall declare their names, addresses, phone numbers, and arms of choice, but any roll of participants shall be kept confidential and is to be used only for issuing notices of meetings and other activities.

7. Co-operation with authorities

Members will make every effort to co-operate with lawful authorities, unless doing so would impair the ability of the Militia to exercise its constitutional rights and perform its constitutional duties, including the investigation of official corruption and abuse.

8. Community defense against abuse

All members are obliged to take immediate action to defend any person against violation of his or her constitutional rights from official abuse, especially the rights to keep and bear arms and to assemble as independent constitutional militias, without waiting for a call-up of the unit. However, any member taking such action shall notify the other members of the Unit as soon as possible.

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Guidelines

1. Unit Size

The Unit size should ordinarily be between 50 and 200 members. Larger units should normally be divided into smaller ones, and smaller ones may be augmented by participants from neighboring areas.

2. Avoidance of Association Status

Every effort must be made to avoid giving the Unit the aspect of being a voluntary association, which would be subject to legal action as an association, something that can be avoided if the members are considered to be all citizens of the area.

3. Questioning of Authority Issuing Call-up

While any of several authorities may issue a call-up, this does not automatically give such authority command over the unit, which must be debated and voted on before commencing with any command therefrom. Ordinarily, such orders must be obeyed unless they are unconstitutional.

4. Avoidance of Policy Issues

Every effort must be made to avoid allowing the Unit to act upon, or even debate extensively, issues of social or economic policy. The Unit may resist a tax on grounds that it is unconstitutional, but not because the rate is too high. It must not act on issues on which honest persons may disagree, such as the constitutionality of abortion.

5. Avoidance of Alarming the Public

To the extent possible, if appearing in public with arms, the Unit should alert the public in the area to the peaceful character of the activity, with publicity, warning signs, and conversations with persons present.

6. Proclamations of Faith

Many if not most members will have some kind of religious faith that they will want to bear witness to during assemblies of the Militia, and religious speech, like political speech, is a valid part of the discussion that will take place in such assemblies. However, in deference to those who are non-believers, such expression should not be conducted in a way that would make non-believers feel pressured to appear to join in with a religious observance, such as praying together in assembly, as distinct from just listening to someone pray in the same way the members might listen to someone speaking on any other subject. The only "religion" that may be properly proclaimed jointly is the "civic religion" of constitutionalism, which is the one thing all citizens should share.

7. Safety Committees

A local Safety Committee will normally consist of the elected officers of the previous muster and will be the entity that calls successive musters of the unit. It is the only membership group that has continuing existence from one muster to the next. Those who participate in musters must never be referred to as "the militia", since that term must always refer to the entire citizenry of the county or other jurisdiction.

A state or regional Safety Committee should be elected by a public election, in response to a duly posted public notice, in each of the counties in which a qualified public militia has been established, as having mustered in response to a public notice and elected officers.

8. Correspondence Committees

Correspondence committees should ordinarily consist of a chairman appointed by the Safety Committee and correspondents designated by the chairman for each unit, or of representatives of lower-level correspondence committees.

For security reasons, member rolls should ordinarily be kept only at the local level, and not shared with neighboring units or with higher-level correspondence committees. However, backup copies of member lists may be kept in escrow by neighboring units with the consent of the unit commander, for security purposes.